

Message Text

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PAGE 01 GENEVA 00830 082054Z

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ACTION L-02

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TO SECSTATE WASHDC NIACT IMMEDIATE 3907

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C O N F I D E N T I A L GENEVA 0830

LIMDIS

FOR L/MAW AND ARA/KUBISCH

E. O. 11652: GDS

TAGS: UNCTAD, EGEN

SUBJECT: UNCTAD: CHARTER OF ECONOMIC RIGHTS AND DUTIES
OF STATES

REF: (A) GENEVA 760

(B) GENEVA 759

(C) GENEVA 703

1. FIRST WEEK OF WORKING GROUP CLOSED ON POSITIVE NOTE WITH AGREEMENT IN SUB-GROUP I DRAFTING GROUP ON PREAMBULAR PARAS 7 AND 8, INFORMAL CIRCULATION DRAFT TEXT ON COLLECTIVE ECONOMIC SECURITY, AND STATEMENT BY US DEL IN SUB-GROUP II THAT US PREPARED TO NEGOTIATE PARA ON TRANSNATIONAL CORPORATIONS. WE RESERVED RIGHT TO PRESENT TEXT LATER9

2. INTERDEPENDENCE. SUB-GROUP II HAS COMPLETED FIRST REAEING F CHAPTER 2 EXCEPT FOR PARAS 2 AND 10 WHICH HAVE BEEN REFERRED TO
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PAGE 02 GENEVA 00830 082054Z

INFORMAL DRAFTING GROUP FOR PRELIMINARY DISCUSSION BEGINNING

MONDAY. THIS PROCEDURE URGED BY MEXICO, AND SUPPORTED BY US AND EC-9 INTENDED TO AVOID EXPLOSION THAT MIGHT RESULT FROM AMNTICIPATED INTRODUCTION OF EC-9 LANGUAGE ON INTERDEPENDENCE. THAT LANGUAGE, WHICH REMAINS UNDER DISUCSSION WITHIN EC-9 NOW READS AS FOLLOWS IN INFORMAL TRANSLATION QUOTE THE EXERCISE OF THIS SOVEREIGNTY AND THESE RIGHTS WILL TAKE INTO ACCOUNT THE NEEDS AND

INTERDEPENDENCE OF THE ECONOMIES OF ALL STATES AND OF THE NECESSITY TO CONTRIBUTE TO THE BALANCED (EQUILIBREE) EXPANSION OF THE WORLD ECONOMY. UNQUOTE APPARENTLY ONE OR TWO EUROPEAN GOVERNMENTS WOULD PREFER THE STRONGER FORMULA ON SECURING CONTINUOUS SUPPLY OF RAW MATERIALS REPORTED REF(C). THAT FORMULATION IS THOUGHT LIKELY TO PRODUCE A SHARP REACTION THAT MAY MAKE IT MORE DIFFICULT TO GET ANY AGREEMENT ON LANGUAGE RESPECTING INTERDEPENDENCE. OUR VIEWS ON THIS IMPORTANT ISSUE HAVE BEEN INVITED AND WE WOULD APPRECIATE GUIDANCE FROM WASHINGTON OF OPENING OF BUSINESS MONDAY (FEB 11).

3. PERMANENT SOVEREIGNTY. IT IS INCREASINGLY CLEAR THAT LDCS GENERALLY AND MEXICO IN PARTICULAR REGARD PARAS 2 AND 10 ON PERMANENT SOVEREIGNTY AND FOREIGN INVESTMENT AS THE MOST IMPORTANT PROVISIONS OF THE CHARTER. AMB CANTANEDA DESCRIBES REFERENCES TO INTERNATIONAL LAW AS ARCHAIC ELEMENTS OF 19TH CENTURY DIPLOMACY AND APPEARS DETERMINED TO MAKE NEW ADVANCE IN THIS FIELD. WE HAVE INDICATED THIS IS CRITICAL ISSUE FOR USG BUT HAVE AVOIDED ARGUMENTS. DISCUSSION OF THIS ISSUE BEGINS MON. WE WILL CONTINUE TO ENDEAVOR TO DEFER CONFRONTATION UNTIL JUNE SESSION BUT BELIEVE SECRETARY SHOULD BE BRIEFED ON THIS ISSUE AS RABASA MAY RAISE IT IN WASHINGTON. (CANADIAN AND AUSTRALIAN DELS HAVE INDICATED TO US PRIVATELY THAT WHILE THEY WOULD LIKE TO SEE REFERENCE TO INTERNATIONAL LAW IN PARAGRAPH ON PERMANENT SOVEREIGNTY, THEY WILL NOT "DIE IN THE TRENCHES" TO GET IT IN. JAPANESE DEL HAS INDICATED THEY ARE STILL FIRM ON SUBSTANCE OF THIS POINT. FULL TEXT EC DRAFT CABLED SEPTEL.)

4. PEACEFUL CO-EXISTENCE. AT LUNCH TODAY US AND SOVIET DELS AGREED TO ATTEMPT TO AVOID PUBLIC DISCUSSION OF DIFFERENCES ON MFN AND RELATED ISSUES AND TO ENDEAVOR TO WORK THESE MATTERS OUT PRIVATELY. IT NOW APPEARS THAT EC-9 IS RESOLUTELY OPPOSED TO INCLUDING ANY REFERENCES IN CHARTER TO "PEACEFUL CO-EXISTENCE." CONFIDENTIAL

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PAGE 03 GENEVA 00830 082054Z

WE ARE NOT CLEAR WHETHER THIS FRENCH POSITION ADOPTED IN INTEREST OF EUROPEAN SOLIDARITY (EC-9 INCREASINGLY ACTS AS IF CHARTER WERE A COMMUNITY ISSUE) OR WHETHER OTHER MEMBERS FEEL STRONGLY. GERMANS SAY THEY HAVE NEVER ACCEPTED THIS PHRASE. WE NEED GUIDANCE FROM WASHINGTON WHETHER TO GIVE PRIORITY ON THIS QUESTION TO SOLIDARITY WITH EC-9 OR TO RELATIONS WITH SOVIET UNION. FULL TEXT SOVIET PROPOSAL ON PARA 19 AND ALTERNATIVES FOR PREAMBLE PARA 6 BIS SEPTEL.

5. COLLECTIVE ECONOMIC SOLIDARITY. BRAZILIANS HAVE ACCEPTED OUR CHANGES AND FOLLOWING TEXT NOW BEING CIRCULATED QUIETLY.

QUOTE DETERMINED TO PROMOTE COLLECTIVE ECONOMIC SECURITY THROUGH THE COOPERATION OF THE ENTIRE INTERNATIONAL COMMUNITY, AIMED AT THE ECONOMIC SECURITY OF EACH COUNTRY, WHICH IS AN ESSENTIAL ELEMENT OF THE SUSTAINED DEVELOPMENT AND EXPANSION OF THEIR NATIONAL ECONOMIES. UNQUOTE DALE

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